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6 Attorneys for Defendants
City of San Mateo, Susan E. Manheimer, and
7 Officer Joseph Yanuska, Officer Shandon Murphy

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 Jane Doe,
12 Plaintiff,
13 vs.
14 City of San Mateo, et al,
15 Defendants.

No. 07-5596 SI
(Related to 08-02541 SI)

**SAN MATEO'S RESPONSE TO
PLAINTIFF'S MOTION AND REQUEST
FOR AN EXTENSION TO OPPOSE THE
PENDING MOTION TO DISMISS IN
THIS ACTION AND MOTION TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE DATE
OF OCTOBER 3, 2008**

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20 Jane Doe has filed a motion requesting an extension to oppose a pending motion to
21 dismiss in related case no. 08-02541. To the extent she seeks an extension to oppose San
22 Mateo's motion to dismiss in this matter, San Mateo objects.

23 San Mateo filed its motion to dismiss on July 9, 2008, over three months ago. Originally,
24 the motion was set for hearing on August 15, 2008. On July 11, 2008, the Court set the hearing
25 for October 3, 2008, giving her two complete months to respond by Friday, September 12. There
26 is no need to provide any additional time concerning San Mateo's motion to dismiss.

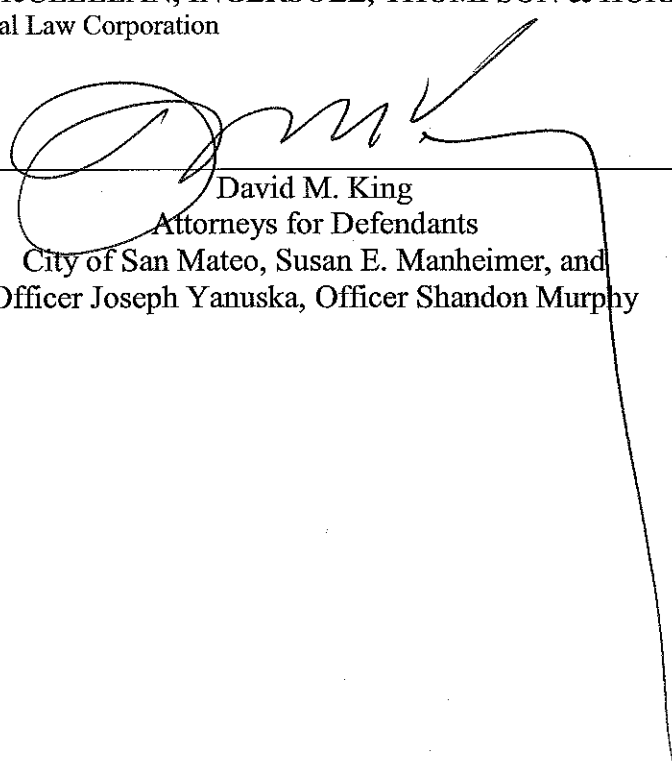
27 Jane Doe also asserts that San Mateo and its employees have wrongfully refused to
28 comply with Rule 4 in the 08-02541 case. That is incorrect. As explained to her by San Mateo's

1 counsel, San Mateo is not subject to the waiver of service provisions of Rule 4(d)(1). San
2 Mateo's counsel is currently attempting to obtain consent to appear on behalf of its individual
3 employees for the purpose of filing a motion to dismiss.

4 Dated: September 10, 2008

5 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
6 Professional Law Corporation

7
8 By: _____

9 
10 David M. King
11 Attorneys for Defendants
12 City of San Mateo, Susan E. Manheimer, and
13 Officer Joseph Yanuska, Officer Shandon Murphy
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PROOF OF SERVICE

I am employed by the law firm of Carr, McClellan, Ingersoll, Thompson & Horn Professional Law Corporation in the County of San Mateo, California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 216 Park Road, P.O. Box 513, Burlingame, California 94011-0513.

I certify that the original papers filed with the Court and all copies of papers, documents, and exhibits, whether filed with the Court or served on other parties, are prepared on recycled paper.

On the date set forth below I served the within:

- **SAN MATEO'S RESPONSE TO PLAINTIFF'S MOTION AND REQUEST FOR AN EXTENSION TO OPPOSE THE PENDING MOTION TO DISMISS IN THIS ACTION AND MOTION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE DATE OF OCTOBER 3, 2008**

on the parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

Jane Doe
1700 N. Point, Unit 107
San Francisco, CA 94123

Kathryn E. Alberti, Esq.
DA San Mateo County 400 County
Center, 4th Floor
Redwood City, CA 94063

Harry S. Stern, Esq.
Rains Lucia & Wilkinson LLP
2300 Contra Costa Blvd., Ste 230
Pleasant Hill, CA 94523

Michael Dodson, Esq.
Office of the City Attorney
200 East Santa Clara Street
San Jose, CA 95113-1905

Gregg A. Thornton, Esq.
Selman Breitman LLP
33 New Montgomery, Sixth Floor
San Francisco, CA 94105



By placing in office mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Burlingame, California.



By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Dated: September 10, 2008

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5 Lori J. Stumpf
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